

**EDUCATION LAW INTO PRACTICE**

**ABILITY TRACKING: WHAT ROLE FOR THE COURTS?\***

by

School boards and other local-level educational policy makers have, in the past, had considerable discretion in crafting curriculum in accordance with

the Civil Rights Act of 1964.<sup>3</sup> In the former category, one finds *Hobson v. Hansen*,<sup>4</sup> in which the court's finding of intentional discrimination was grounded in significant part upon the district's use of tracking. Twenty-seven

impact of tracking. (*Georgia State Conference of Branches of NAACP v. Georgia*,<sup>13</sup> *Montgomery v. Starkville Mun. Separate School Dist.*,<sup>14</sup> *Quarles v. Oxford Mun. Separate School Dist.*<sup>15</sup>) Most recently, however, in *Simmons v.*

whatever race or background, is placed in a class generating lesser achievement

to generally offer an academic education. Moreover, the legislation effectively provides parents with mid-level education the right to

exit exams (generally framed as a violation of substantive due process) when their underlying schooling provided insufficient preparation for the assess-

IMPLICATIONS FOR PRACTITIONERS

Tracking is an educational policy issue that has been the subject of